

CLEARY, GIACOBBE, ALFIERI, JACOBS, LLC

Jodi S. Howlett, Esq.

99 State Route 34

Matawan, New Jersey 07747

Telephone: (732) 583-7474

jhowlett@cgajlaw.com

Attorneys for Respondent, West Morris Regional High School District Board of Education

J.S. and S.S. o/b/o A.S.,

Petitioners,

v.

WEST MORRIS REGIONAL HIGH SCHOOL
DISTRICT BOARD OF EDUCATION,

Respondent.

OAL Dkt No.: EDS 8829-21

Agency Ref. No. 2022-33461

**AFFIDAVIT OF
MICHAEL REINKNECHT**

I, Michael Reinknecht, certify as follows:

1. I am the Director of Special Education for the West Morris Regional High School District Board of Education, and as such, am fully knowledgeable of the facts and circumstances set forth herein.

2. I make this Affidavit in Opposition to Petitioner's Request for Emergent Relief.

3. West Morris Regional High School District ("District") is the local education agency responsible for providing A.S. with a free, appropriate public education ("FAPE").

4. A.S. (D.O.B. 3/1/07) is currently fourteen (14) years old and in the ninth (9th) grade.

5. A.S. has been deemed eligible for special education and related services under the classification of "Other Health Impaired."

6. Prior to becoming a student in the West Morris Regional High School District, A.S. was a special education student in the Washington Township School District (“Washington Township”).

7. On June 10, 2020, Washington Township proposed an IEP (“6/10/20 IEP”) placing A.S. at the Newmark School in Scotch Plains, New Jersey. Transportation was added as a related service to her IEP.

8. On January 14, 2021, Washington Township issued an IEP (“1/14/2021 IEP”) placing A.S. at Barnstable Academy in Oakland, New Jersey for the remainder of her eighth (8th) grade year. The Washington Township School District provided A.S. with “curb to curb” transportation as a related service in her IEP through June 10, 2021.

9. On April 23, 2021, Washington Township convened an Annual Review IEP meeting (“4/23/21 IEP”). At that meeting, it was contemplated that A.S. was in need of a more therapeutic placement than Barnstable Academy for her ninth (9th) grade year. Accordingly, the 4/23/21 IEP provides for A.S. to remain at Barnstable Academy for the remainder of the 2020-2021 school year. At the 4/14/21 meeting, it was also determined that the Washington Township would send records to out-of-district placements with “a therapeutic component to determine an appropriate program for A.S.’s freshman year of high school.”

10. Notably, the 4/23/21 expires effective June 16, 2021, including “curb to curb” transportation. See 4/23/21 IEP, p. 23.

11. On July 1, 2021, following the completion of A.S.’s eighth (8th) grade year, A.S. became a student of the West Morris Regional High School District.

12. On July 14, 2021, at the request of Petitioners, the West Morris Regional High School District convened an IEP meeting. At that time, Petitioners advised the District that they

wished to discuss Barnstable Academy's decision to discontinue A.S.'s placement in the program. The IEP team determined that in reviewing the recommendations from Long Valley Middle School and Barnstable Academy, a more therapeutic out-of-district placement would most appropriately meet A.S.'s social-emotional needs. Petitioners and A.S. attended the 7/14/21 IEP meeting virtually.

13. At the 7/14/21 IEP meeting, A.S. was placed on home instruction pending her acceptance to an appropriate out-of-district placement ("7/14/21 IEP"). Because A.S. would be receiving home instruction, transportation was not provided as a "related service" in the 7/14/21 IEP. The 7/14/21 IEP was implemented expiration of the fifteen (15) day notice period pursuant to N.J.A.C. 6A:14-2.3(h).

14. Subsequent to the 7/14/21 IEP meeting, the West Morris Regional High School District secured A.S.'s placement at Sage Day High School ("Sage") in Boonton, New Jersey for the 2021-2022 school year. A.S. started her ninth (9th) grade year at Sage on September 10, 2021.

15. Upon A.S.'s placement at Sage, the West Morris Regional High School District worked to secure A.S.'s transportation to the out-of-district placement. Specifically, on September 10 and September 15, 2021, the District put the transportation route out for public bid to various vendors pursuant to N.J.S.A. 18A:18A-1, et seq. However, the District did not receive any bids for transportation from any vendors on A.S.'s route for Sage.

16. On September 20, 2021, I informed Petitioners of the difficulties in securing a vendor to provide transportation to Sage.

17. On October 1, 2021, the District put the transportation route out to public bid for a third time to transportation vendors pursuant to N.J.S.A. 18A:18A-1 et seq.

18. Indeed, in October of 2021, the District secured a sole vendor, Cassidy Transportation, to transport A.S. to and from Sage.

19. Due to the hazardous conditions of Schooley's Mountain Road, Cassidy Transportation will not pick up A.S. directly in front of her home, citing safety concerns. Rather, in the alternative, Cassidy Transportation picks up and drops off A.S. at the Washington Township Municipal Building, merely one third of a mile from A.S.'s home.


20. On October 5, 2021, Petitioners filed a request for a due process hearing to challenge the District's refusal to provide "curb to curb" transportation pursuant to the 4/23/21 IEP created by her previous District.

21. On October 12, 2021 West Morris Regional High School District convened a Thirty Day Review IEP Meeting ("10/12/21 IEP"). At that meeting, it was reported by A.S.'s teachers at Sage that she was transitioning well, and the input reflected strong clinical and academic feedback.

22. The 10/12/21 IEP provides transportation to Sage as a related service with pick-up and drop off locations at the Washington Township Municipal Building.

23. Cassidy Transportation has been safely transporting A.S. to and from Sage daily since October 11, 2021, and throughout the pendency of these proceedings

By:


Michael Reinknecht
Director of Special Education

Dated: January 24, 2022

David R. Giles, Esq.
34 Rynda Road
South Orange, New Jersey 07079
973-763-1500
davidgiles@davidgileslaw.com

Attorney for Petitioners

J.S. and S.S., on behalf of A.S.,

Petitioners,

v.

WEST MORRIS REGIONAL BOARD OF
EDUCATION,

Respondent.

NEW JERSEY OFFICE OF
ADMINISTRATIVE LAW

OAL Dkt. No.: EDS 8829-21
Agency Ref. No.: 2022-33461

**SUPPLEMENTAL CERTIFICATION
OF J.S. IN SUPPORT OF
PETITIONERS' MOTION FOR
EMERGENT RELIEF TO ENFORCE
STAY-PUT**

J.S., of full age, declares as follows:

1. I am a petitioner in the above-captioned matter and the parent of A.S. I am fully familiar with the facts asserted herein.

2. This certification is offered in response to factual claims asserted in the District's opposition to our stay-put motion.

3. Contrary to what the Board suggests, neither I nor my husband have ever admitted nor do we believe that Schooley's Mountain Road is "extremely dangerous" for vehicles to drive on or pull over in front of our home.

4. While we do believe it is dangerous for pedestrians because of the lack of sidewalks or shoulder on the road between our home and the municipal building, it is safe for vehicles to drive and pull over near or in front of our home.

5. There are two places off the road and next to our home where there is room for a car or van to fully and safely pull over off the road, and this can be done without coming up our driveway or having to back up to get back on the road.

6. For thirteen years, our son and A.S. have been safely picked up in front of our house by a school district yellow bus (when transported to the public schools) or a van (when they were transported to out-of-district placements) without incident.

7. The yellow buses always stopped in the road itself in front of our house and waited with their flashers on for our children to walk down the stairs in front of our house to the bus. The vans have either pulled over in one of the available spaces next to our home or waited in the road also with their flashers on. This is not dangerous because in the direction from which they come to stop in front of our home, there is ample visibility and time to stop for any vehicles approaching from behind.

8. The District also claims that it “put the transportation route out for public bid to various vendors.” See ¶ 16 of District’s Letter Brief.

9. While the District has never told us from whom it solicited bids, it does not appear that it solicited them from all possible vendors.

10. On Friday, January 21, 2022, I called two transportation vendors who provided door to door transportation for A.S. to and from her out-of-district placements during the 2020-2021 school year for the Washington Township Board of Education, Prestige Transportation and K & S Transportation.

11. I spoke to someone named Ali at Prestige Transportation. He said he could not tell me if they can serve A.S.’s bus route because they only provide this information to school

districts. He did confirm that Nancy Genuardi, the Transportation Coordinator at the West Morris Regional School District, did not solicit a bid from them.

12. I also spoke to someone named Karyn at K & S Transportation. She also said she could not tell me if they can serve A.S.'s bus route because they only provide this information to school districts. She also confirmed that Ms. Genuardi did not solicit a bid from them.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: January 25, 2022


J.S.